

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALFEY RAMDHAN,

Plaintiff,

vs.

FLIPPINS TRENCHING, INC.,

Defendant.

Case No.: 2:24-cv-01774-GMN-NJK

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Pending before the Court is a Report and Recommendation (“R&R”), (ECF No. 22), from United States Magistrate Judge Nancy J. Koppe. The R&R recommends that Plaintiff Alfey Ramdhan’s Motion for Entry of Clerk’s Default be denied and Defendant Flippins Trenching, Inc.’s Motion to Dismiss be granted, in part, and denied, in part. (*See generally* R&R, ECF No. 22). As to the Motion to Dismiss, the R&R recommends that Plaintiff’s Title VII racially hostile work environment claim and Plaintiff’s Title VII race discrimination claim be dismissed with leave to amend. It further recommends that Defendant’s Motion to Dismiss be denied to the extent that Defendant challenges the Court’s jurisdiction based on the timeliness of Plaintiff’s Equal Employment Opportunity Commission (“EEOC”) filing. It also recommends that Plaintiff be granted leave to amend to allege when he filed his EEOC charge and any facts that would support the timeliness of his claim. It lastly recommends that Defendant’s timely service ground in its Motion to Dismiss be denied.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate

1 judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the
2 findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R.
3 IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any
4 review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S.
5 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a
6 district court is not required to review a magistrate judge’s R&R where no objections have been
7 filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

8 No objection to the R&R was filed, and the deadline to do so has passed. (*See generally*
9 R&R) (setting a June 4, 2025, deadline for objections).

10 Accordingly,

11 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 22), is
12 **ACCEPTED and ADOPTED** in full.

13 **IT IS FURTHER ORDERED** that Plaintiff’s Motion for Entry of Clerk’s Default,
14 (ECF No. 9), is **DENIED**.

15 **IT IS FURTHER ORDERED** that Defendant’s Motion to Dismiss, (ECF No. 11), is
16 **GRANTED, in part, and DENIED, in part**. It is granted to the extent that Plaintiff’s Title
17 VII racially hostile work environment claim, and Title VII race discrimination claim are
18 dismissed with leave to amend. Defendant’s Motion to Dismiss is denied to the extent that
19 Defendant challenges the Court’s jurisdiction based on the timeliness of Plaintiff’s Equal
20 EEOC filing and additional timely service ground.

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1 **IT IS FURTHER ORDERED** that Plaintiff shall have 21 days from the date of this
2 Order to file an Amended Complaint. Plaintiff may amend his VII racially hostile work
3 environment claim and Title VII race discrimination claim. He may also allege facts that state
4 when he filed his EEOC charge and any facts that would support the timeliness of his claim.

5 Dated this 8 day of July, 2025.

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Gloria M. Navarro, District Judge
United States District Court